

REMARKS/DISCUSSION OF ISSUES

Claims 3-7, 9-13 and 15-27 are pending in the application.

Applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents, and for indicating that the drawings are acceptable.

Applicant acknowledges the indication that claims 20 and 24 define patentable subject matter,¹ and would be allowable if rewritten to be in independent form including all limitations of their respective base claims, and any intervening claims.

Reexamination and reconsideration and respectfully requested in view of the following Remarks.

DOUBLE PATENTING

The Office Action rejects claims 3-7, 9-13, 15, 16 and 25-27 for obviousness-type double patenting over U.S. Patent No. 6,661,881.

Applicant respectfully traverses this rejection. U.S. Patent No. 6,661,881 is entitled "*Method and system for controlling functional capabilities of a telephonic switch employing control and status messages*" and issued on 9 December 2003 to Stuart Garland et al. It is assigned to Lucent Technologies. It has neither a common inventor, nor a common assignee, nor common subject matter with the present patent application. Accordingly, no double-patenting is possible.

Furthermore, contrary to the Office Action, U.S. Patent No. 6,661,881 does not disclose any method or apparatus of correcting timing errors when transmitting isochronous data. The present application does NOT simply "*narrow the claims of that found in U.S. Patent No. 6,661,881.*" In fact, the current claims appear to bear no relationship at all to the claims of U.S. Patent No. 6,661,881.

Accordingly, for at least these reasons, Applicant respectfully requests that the obviousness-type patenting rejection over U.S. Patent No. 6,661,881 be withdrawn.

¹ Although paragraph 7 on page 5 of the Office Action states that claims 20 and **21** would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims, the undersigned attorney believes that this is a typographical error, and the Examiner meant to refer to claims 20 and 24.

35 U.S.C. § 102

The Office Action rejects claims 17-19 and 21-23 under 35 U.S.C. § 102 over Staats U.S. patent 6,418,150.

Applicant respectfully traverses those rejections for at least the following reasons.

Claim 17

Among other things, the method of claim 17 includes relating the time of processing of a currently received transmission time stamped data packet to the time of processing of a first transmission time stamped data packet.

Applicant respectfully submits that Staats does not disclose such a feature.

The Office Action cites col. 2, lines 47-49 as supposedly disclosing this feature.

Applicant respectfully disagrees.

The cited text merely discloses a method for calibrating a low-accuracy cycle master on an IEEE-1394 bus based on packet arrival events. It does not disclose anything at all about a time of processing a currently received (i.e., already arrived) transmission time stamped data packet.

Staats is concerned with a problem where a low-accuracy cycle master on an IEEE-1394 bus causes the time stamps embedded in the header of the first packet of each frame of video data to be inaccurate. Staats addresses this by providing each node with a calibration cycle time register which is updated by the node's free-running clock over a large number n (e.g., 8000) of cycle start packets received from the cycle master. Meanwhile, each cycle start packet updates the node's cycle time register. After each n cycle start packets, the time in the calibration cycle time register is compared to the time in the cycle time register to determine a clock offset reflecting the cycle master's inaccuracy. This information may then be used to adjust a packet arrival frame rate.

However, Applicant respectfully submits that Staats does not disclose any process that relates the time of processing of a currently received transmission time stamped data packet to the time of processing of a first transmission time stamped

data packet.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 17 is patentable over Staats.

Claims 18-19

Claims 18-19 depend from claim 17 and are deemed patentable for at least the reasons set forth above with respect to claim 17, and for the following additional reasons.

Claim 18

Among other things, the method of claim 18 includes processing a first transmission time stamped data packet at a time interval corresponding to a given time offset after receipt of the packet, where the given time offset is equal to or greater than the maximum variation in time between successive received data packets.

Applicant respectfully submits that Staats clearly does not disclose such a combination of features. Indeed, as discussed above, Staats is not even concerned with processing time stamped data packets, but instead is just concerned with how to adjust local timing to compensate for an inaccurate cycle master. Although the Office Action mentions "*the cycle time register and cycle clock offset*" these have nothing to do with the features of claim 18 mentioned above.

Accordingly, for at least these additional reasons, Applicant respectfully submits that claim 18 is clearly patentable over Staats.

Claim 21

Among other things, the transmission means of the network of claim 21 includes processing means for relating the time of processing of a currently received transmission time stamped data packet to the time of processing of a first transmission time stamped data packet.

As explained above with respect to claim 17, Staats is not concerned with the processing of received data packets, and certainly does not disclose relating the time of processing of a currently received transmission time stamped data packet to the time of processing of a first transmission time stamped data packet – or any means

for so doing.

Accordingly, Applicant respectfully submits that claim 21 is patentable over Staats.

Claims 22-23

Claims 22-23 depend from claim 21 and are deemed patentable for at least the reasons set forth above with respect to claim 21, and for the following additional reasons. In the network of claim 22, the processing means processes a first transmission time stamped data packet at a time interval corresponding to a given time offset after receipt of the packet, where the given time offset is equal to or greater than the maximum variation in time between successive received data packets. As explained above with respect to claim 18, Applicant respectfully submits that Staats clearly does not disclose such a combination of features.

Accordingly, for at least these additional reasons, Applicant respectfully submits that claim 22 is clearly patentable over Staats.

CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 3-7, 9-13 and 15-27 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact the undersigned attorney at (571) 283.0720 to discuss these matters.

Respectfully submitted,

VOLENTINE & WHITT

By:



Kenneth D. Springer
Registration No. 39,843

VOLENTINE & WHITT
11951 Freedom Drive, Suite 1260
Reston, Virginia 20190
Telephone No.: (571) 283.0724
Facsimile No.: (571) 283.0740